

### **REMARKS**

Claim 2 has been cancelled and claims 1 and 3-13 remain pending in the application. Claim 1 has been amended. Reconsideration of this application in light of the above amendments and the following remarks is requested.

#### **Amendments to the Specification**

The specification has been amended to more clearly reference the drawings. No new matter has been added.

#### **Rejections Under 35 U.S.C §102**

Claims 1-13 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,108,645 to Eichstaedt et al. ("Eichstaedt"). The PTO provides in MPEP §2131 that, "to anticipate a claim, the reference must teach every element of the claim." Therefore, the Eichstaedt patent must teach all elements of the rejected claims. However, with respect to amended independent claim 1, the Eichstaedt reference does not appear to teach constructing the DAG in a *top-down* fashion so that common predicates shared by the subscribers are examined first and a minimal number of boolean tests are conducted to identify the matching subscribers. With respect to independent claim 8, the Eichstaedt reference does not appear to teach creating in a *top-down* fashion a virtual Direct Acyclic Graph (DAG) including one or more arbitrary boolean tests representing the predetermined predicates so that common predicates shared by the subscribers are examined first and a minimum number of boolean tests are thus conducted to identify the matching subscriber. In contrast, Eichstaedt describes a "bottom-up evaluation" where, "[b]ottom-up refers to beginning at the bottom of the DAG and proceeding to the root node of the DAG." (col. 8, lines 49-53). Thus, the rejection under §102(e) is not supported by the Eichstaedt reference and should be withdrawn as to independent claims 1 and 8. Claims 3-7 and 9-13 depend from and further limit claims 1 and 8 and therefore are in condition for allowance.

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**Conclusion**

It is respectfully submitted that claims 1 and 3-13 are in condition for allowance. Should the Examiner deem that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the below listed telephone number.

Respectfully submitted,

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